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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-147**

13 **NANCY MARIE HARRINGTON**
14 **AKA NANCY MARIE HARRINGTON-**
15 **PHILLIPS**
16 **AKA NANCY MARIE DEHRING**
17 **106 Hooker Avenue**
18 **Sonoma, CA 95476**
19 **Registered Nurse License No. 388241**

ACCUSATION

Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

25 2. On or about August 31, 1985, the Board of Registered Nursing issued Registered
26 Nurse License Number 388241 to Nancy Marie Harrington, aka Nancy Marie Harrington-
27 Phillips, aka Nancy Marie Dehring ("Respondent"). The Registered Nurse License was in full
28 force and effect at all times relevant to the charges brought herein and will expire on April 30,
2013, unless renewed.

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4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

RELEVANT STATUTES AND REGULATIONS

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

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1 8. California Code of Regulations, title 16, section 1443, states:

2 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
3 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
4 exercised by a competent registered nurse as described in Section 1443.5."

5 9. California Code of Regulations, title 16, section 1443.5 states:

6 "A registered nurse shall be considered to be competent when he/she consistently
7 demonstrates the ability to transfer scientific knowledge from social, biological and physical
8 sciences in applying the nursing process, as follows:

9 "(1) Formulates a nursing diagnosis through observation of the client's physical condition
10 and behavior, and through interpretation of information obtained from the client and others,
11 including the health team.

12 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and
13 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
14 for disease prevention and restorative measures.

15 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health
16 treatment to the client and family and teaches the client and family how to care for the client's
17 health needs.

18 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
19 subordinates and on the preparation and capability needed in the tasks to be delegated, and
20 effectively supervises nursing care being given by subordinates.

21 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical
22 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
23 communication with the client and health team members, and modifies the plan as needed.

24 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve
25 health care or to change decisions or activities which are against the interests or wishes of the
26 client, and by giving the client the opportunity to make informed decisions about health care
27 before it is provided."

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1 SECOND CAUSE FOR DISCIPLINE

2 (Incompetence – Failure to Obtain Adequate Information on C.B.'s Condition)

3 17. Respondent is subject to disciplinary action pursuant to Code section 2761(a)(1) for
4 incompetence as set forth in the Code of Regulations, title 16, sections 1443 and 1433.5 (1), in
5 that she failed to formulate a nursing diagnosis by direct observations of C.B.'s condition and
6 review of his chart, prior to and after making the decision to withhold his transport to a local
7 hospital. The facts in support of this cause for discipline are set forth above in paragraphs 12
8 through 15.

9 THIRD CAUSE FOR DISCIPLINE

10 (Incompetence – Failure to Obtain Adequate Information)

11 18. Respondent is subject to disciplinary action pursuant to Code section 2761(a)(1) for
12 incompetence as set forth in the Code of Regulations, title 16, sections 1443 and 1433.5 (2), in
13 that she failed to obtain adequate information regarding C.B.'s condition and/or failed to evaluate
14 his condition to ensure his care, comfort, and protection. The facts in support of this cause for
15 discipline are set forth above in paragraphs 12 through 15.

16 FOURTH CAUSE FOR DISCIPLINE

17 (Incompetence – Failure to Evaluate Effectiveness of Care Given)

18 19. Respondent is subject to disciplinary action pursuant to Code section 2761(a)(1) for
19 incompetence as set forth in the Code of Regulations, title 16, sections 1443 and 1433.5 (5), in
20 that she failed to evaluate the effectiveness of the care plan she instituted. The facts in support of
21 this cause for discipline are set forth above in paragraphs 12 through 15.

22 FIFTH CAUSE FOR DISCIPLINE

23 (Incompetence – Failure to act as C.B.'s Advocate)

24 20. Respondent is subject to disciplinary action pursuant to Code section 2761(a)(1) for
25 incompetence as set forth in the Code of Regulations, title 16, sections 1443 and 1433.5 (6), in
26 that she failed to act as an advocate for C.B. The facts in support of this cause for discipline are
27 set forth above in paragraphs 12 through 15.

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1 STATEMENT OF FACTS RELATED TO RESIDENT D.C.

2 21. At all relevant times, Respondent was employed as the Director of Nursing
3 ("DON") at Seaview Healthcare & Rehabilitation Center ("SHRC") in Eureka, California. As
4 the DON, Respondent was required to participate in the admission and discharge planning of
5 facility residents.

6 22. D.C. was a 62 year-old male admitted to SHRC on September 19, 2008. He was a
7 insulin dependent diabetic, right leg amputee who used a wheelchair for mobility, who was noted
8 to suffer from depression and had cognitive deficiencies.

9 23. On or about February 17, 2009, D.C. was discharged from SHRC to a local motel in
10 Eureka. He was not educated regarding self-administration of the insulin and/or how to monitor
11 his blood glucose, prior to his discharge. He was given a vial of insulin but no syringes to inject
12 it and/ or provided with a means to refrigerate the insulin. D.C. was also not provided a means to
13 check his blood glucose levels.

14 24. Approximately two days after his discharge from SHRC, on February 19, 2009, D.C.
15 was seen at a local hospital for ketoacidosis.¹ On February 22, 2009, he died in his motel room.

16 SIXTH CAUSE FOR DISCIPLINE

17 (Gross Negligence/Incompetence – Failure to Educate Resident Before Discharge)

18 25. Respondent is subject to disciplinary action pursuant to Code section 2761(a)(1) for
19 gross negligence and/or incompetence in that she failed to ensure that D.C. was given proper
20 discharge instructions. The facts in support of this cause for discipline are set forth above in
21 paragraphs 21 through 24.

22 SEVENTH CAUSE FOR DISCIPLINE

23 (Gross Negligence/Incompetence – Failure to Ensure Resident Had Appropriate Equipment)

24 26. Respondent is subject to disciplinary action pursuant to Code section 2761(a)(1) for
25 gross negligence and/or incompetence in that she failed to ensure that D.C. had syringes to
26 administer his insulin and/or a refrigerator to store the insulin and/or a means to check his blood

27 ¹ Ketoacidosis is a potentially life threatening complication that develops in diabetics
28 whose insulin levels are insufficient.

1 glucose levels. The facts in support of this cause for discipline are set forth above in paragraphs
2 21 through 24.

3 EIGHTH CAUSE FOR DISCIPLINE

4 (Incompetence – Failure to act as D.C.’s Advocate)

5 27. Respondent is subject to disciplinary action pursuant to Code section 2761(a)(1) for
6 incompetence as set forth in the Code of Regulations, title 16, sections 1443 and 1433.5 (6), in
7 that she failed to act as an advocate for D.C. The facts in support of this cause for discipline are
8 set forth above in paragraphs 21 through 24.

9 NINTH CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct – Failure to Update Board Regarding Current Residence)

11 28. Respondent is subject to disciplinary action pursuant to Code section 2761 for
12 unprofessional conduct in that in 2011, she failed to keep an updated address with the Board as
13 required by Code section 1409.1.

14 PRAYER


15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nurse License Number 388241, issued to Nancy
18 Marie Harrington, aka Nancy Marie Harrington-Phillips, aka Nancy Marie Dehring; .

19 2. Ordering Nancy Marie Harrington, aka Nancy Marie Harrington-Phillips, aka Nancy
20 Marie Dehring to pay the Board of Registered Nursing the reasonable costs of the investigation
21 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: September 04, 2012

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for LOUISE R. BAILEY, M.ED., RN
25 Executive Officer
26 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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